

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

NATIONAL STEEL CAR LIMITED, a  
Canadian corporation,

Plaintiff,

vs.

THE GREENBRIER COMPANIES, INC.,

Defendant.

Case No. 6:19-cv-00721-ADA

**JURY TRIAL DEMANDED**

**SCHEDULING ORDER**

Pursuant to Rule 16, Federal Rules of Civil Procedure, Plaintiff National Steel Car Limited and Defendant The Greenbrier Companies, Inc. together propose the following Scheduling Order:

| <b>Date</b>   | <b>Item</b>  |
|---------------|--|
| April 9, 2020 | Agreed Scheduling Order/Joint Motion due   |
| June 1, 2020  | Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the prior two years, unless the parties agree to some other timeframe. |
| July 3, 2020  | Parties exchange claim terms for construction.   |
| July 17, 2020 | Parties exchange proposed claim constructions.   |

| Date               | Item   |
|--------------------|--|
| July 24, 2020      | Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall also provide a summary of the witness's expected testimony including the opinions to be expressed and a general description of the basis and reasons therefore. A failure to summarize the potential expert testimony in a good faith, informative fashion may result in the exclusion of the proffered testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced. |
| July 31, 2020      | Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.   |
| August 7, 2020     | Parties file Opening claim construction briefs, including any arguments that any claim terms are indefinite.   |
| August 28, 2020    | Parties file Responsive claim construction briefs.   |
| September 11, 2020 | Parties file Reply claim construction briefs.  |
| September 18, 2020 | Parties submit Joint Claim Construction Statement and consolidated briefing collated by Opening, Response, and Reply in Microsoft Word format. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.  |
| October 9, 2020    | Markman hearing. 1:30 PM in Courtroom 5, Sixth Floor, US Courthouse, 501 West Fifth Street, Austin, TX   |
| October 16, 2020   | Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).  |
| November 20, 2020  | Deadline to add parties.   |
| December 4, 2020   | Deadline to serve Final Infringement and Invalidity Contentions.   |
| January 1, 2021    | Deadline to amend pleadings. A motion is not required unless the amendment adds patents or claims.   |
| May 7, 2021        | Close of Fact Discovery.   |
| May 14, 2021       | Opening Expert Reports.  |
| June 11, 2021      | Rebuttal Expert Reports.   |
| July 2, 2021       | Close of Expert Discovery.   |

| Date  | Item   |
|---|--|
| July 9, 2021  | Deadline to meet and confer to discuss narrowing the number of claims asserted and prior art references at issue. The parties shall file a report within 5 business days regarding the results of the meet and confer. |
| July 16, 2021   | Dispositive motion deadline and <i>Daubert</i> motion deadline.  |
| July 30, 2021   | Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).  |
| Aug. 13, 2021   | Serve objections to pretrial disclosures/rebuttal disclosures.   |
| Aug. 20, 2021   | Serve objections to rebuttal disclosures and File Motions <i>in limine</i> .   |
| Aug. 27, 2021   | File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i>                             |
| Sept. 3, 2021   | Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .  |
| 3 business days before<br>Final Pretrial<br>Conference<br><br>Estimated Sept. 14,<br>2021 | File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .  |
| Estimated Sept. 20,<br>2021   | Final Pretrial Conference. The Court expects to set the Pretrial Conference within 2-4 weeks of the trial date.  |
| Estimated Oct. 8, 2021  | Jury Selection/Trial. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.  |

SIGNED this 10th day of April 2020.



ALAN D. ALBRIGHT  
UNITED STATES DISTRICT JUDGE